

1 HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SIXTY-01 ASSOCIATION OF APARTMENT
11 OWNERS, a Washington non-profit corporation,

12 Plaintiff,

13 v.

14 PUBLIC SERVICE INSURANCE COMPANY;
15 COMMERCIAL INDUSTRIAL BUILDING
16 OWNERS ALLIANCE, INC. (dba CIBA
17 Insurance Program; dba CIBA Insurance
18 Services); GREAT LAKES INSURANCE, SE;
19 ASPEN SPECIALTY INSURANCE
COMPANY; EVEREST INDEMNITY
INSURANCE COMPANY; FIRST
SPECIALTY INSURANCE CORPORATION;
IRONSHORE SPECIALTY INSURANCE
COMPANY; LIBERTY SURPLUS
INSURANCE CORPORATION; COLONY
INSURANCE COMPANY; and DOES 1-20,

Defendants.

NO. 2:22-CV-01373 JCC

STIPULATION FOR AND
[PROPOSED] ORDER OF
DISMISSAL OF CERTAIN
DEFENDANTS & CLAIMS

NOTE ON MOTION CALENDAR:
February 16, 2023

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21 STIPULATION
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24 STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
CLAIMS - 1
(NO. 2:22-CV-01373 JCC)

Ashbaugh Beal
701 FIFTH AVE., SUITE 4400
SEATTLE, WA 98104
T. 206.386.5900 F. 206.344.7400

1 parties may be dismissed from this case (some with prejudice and some without prejudice).

2 The specifics are as follows:

3 All claims related to the insurers (and property insurance policies) that insured
4 plaintiff Sixty-01 Association of Apartment Owners (“Association”) through the Commercial
5 Industrial Building Owners Alliance (“CIBA”) program for the periods of time commencing
6 on March 31, 2016 and March 31, 2017 have been settled and should be dismissed with
7 prejudice and without an award of costs. (This dismissal does not impact the Association’s
8 claims as to the insurers that issued property insurance policies through the CIBA program
9 for the period of time commencing on March 31, 2015 with respect to those property
10 insurance policies.)

11 The following defendants may be dismissed *with* prejudice and without an award of
12 costs because they did *not* insure the Association through the CIBA program for the period
13 of time commencing on March 31, 2015:

- 14
- 15 • Everest Indemnity Insurance Company;
 - 16 • Swiss Re Corporate Solutions Capacity Insurance Corporation (formerly
known as First Specialty Insurance Corporation); and
 - 17 • Colony Insurance Company

18 The following defendants¹ may be dismissed *without* prejudice and without an award
19 of costs because they *did* issue property insurance policies through the CIBA program for the
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22 ¹ The Association intends to soon take steps to amend its First Amended Complaint
23 (Dkt. # 29) so as rejoin these insurers as defendants in relation to claims related to the
insurance provided through the CIBA program for the period of time commencing on
March 31, 2015. The Association will not merely seek to rejoin these insurers as defendants,
but will also seek to join as defendants other insurers who provided insurance through the
CIBA program for the period of time commencing on March 31, 2015. The Association

1 period of time commencing on March 31, 2015, under which the Association is seeking
2 insurance coverage:

- 3 • Aspen Specialty Insurance Company (who never formally appeared);
4 • Ironshore Specialty Insurance Company; and
5 • Liberty Surplus Insurance Corporation.

6 Finally, defendant Commercial Industrial Building Owners Alliance, Inc. may be
7 dismissed *without* prejudice and without an award of costs based on an agreement reached
8 between the Association and CIBA.

9 Plaintiff's claims remain intact against (1) defendant Public Service Insurance
10 Company; and (2) Great Lakes Insurance, SE (and the insurance provided through the CIBA
11 program for the period of time commencing on March 31, 2015).

12 DATED this 16th day of February, 2023.

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Company

23 intends to do this after defendant PSIC's motion to dismiss the Association's First Amended
24 Complaint (Dkt. # 40) has been resolved by the Court.

STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
CLAIMS - 3
(NO. 2:22-CV-01373 JCC)

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Corporate Solutions Capacity Insurance
Corporation (formerly known as First
Specialty Insurance Corporation)

7 **ORDER OF DISMISSAL**

8 This matter came before the Court on the parties' stipulation for dismissal. On the
basis of the parties' above stipulation, the Court:

- 10 1. Dismisses *with* prejudice and without an award of costs:
 - 11 a. All claims related to the Association's insurance through the CIBA
program for the periods of time commencing on March 31, 2016 and
12 March 31, 2017;
 - 13 b. Everest Indemnity Insurance Company;
 - 14 c. Swiss Re Corporate Solutions Capacity Insurance Corporation
(formerly known as First Specialty Insurance Corporation); and
 - 15 d. Colony Insurance Company.
- 16 2. Dismisses *without* prejudice and without an award of costs:
 - 17 a. Aspen Specialty Insurance Company;
 - 18 b. Ironshore Specialty Insurance Company;
 - 19 c. Liberty Surplus Insurance Corporation; and
 - 20 d. Commercial Industrial Building Owners Alliance, Inc.

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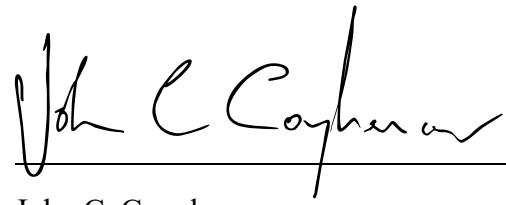
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STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
CLAIMS - 4
(NO. 2:22-CV-01373 JCC)

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1 DATED this 17th day of February 2023.

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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line. The signature is fluid and cursive, with a distinct "J" at the beginning.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
CLAIMS - 5
(NO. 2:22-CV-01373 JCC)

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27 STIPULATION FOR AND ORDER OF
28 DISMISSAL OF CERTAIN DEFENDANTS &
29 CLAIMS - 6
(NO. 2:22-CV-01373 JCC)

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9 Corporation (formerly known as First
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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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**STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
CLAIMS - 8
(NO. 2:22-CV-01373 JCC)**

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Attorneys for Commercial Industrial Building Owners Alliance, Inc.

16 The foregoing is true and correct to the best of my knowledge and belief.
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18 Dated this 16th day of February, 2023, at Seattle, Washington.
19

20 s/ Teresa MacDonald
21 Teresa MacDonald
22

23
24 STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
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